

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:18-CV-00282-FL

THOMAS SMITH,)	
)	
Plaintiff,)	
)	ORDER
v.)	
)	
ANDREW SAUL,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act (the "Act"), 42 U.S.C. § 406(b), in the amount of \$16,580.00. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$8,600.00 (ECF No. 81).

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under section 206(b) of the Act, 42 U.S.C. § 406(b), in the amount of \$16,580.00, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 14th day of April, 2020.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Louise W. Flanagan
United States District Judge